United Nations A/C.3/60/L.51

General Assembly

Distr.: Limited
2 November 2005

Original: English

Sixtieth session
Third Committee
Agenda item 71 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Albania, Austria, Belgium, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey and United Kingdom of Great Britain and Northern Ireland: draft resolution

Situation of human rights in Uzbekistan

The General Assembly,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms, and the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Uzbekistan is party to the International Covenant on Civil and Political Rights,[1] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[2] the International Covenant on Economic, Social and Cultural Rights,[3] the International Convention on the Elimination of All Forms of Racial Discrimination,[3] the Convention on the Elimination of Discrimination against Women,[4] and the Convention on the Rights of the Child,[5]

Deeply concerned by the events that occurred in Andijan in May 2005 and the subsequent response of the Uzbek authorities,

1. *Welcomes*:

(a) The high-level talks of the Government of Uzbekistan with the Secretary-General of the Organization for Security and Cooperation in Europe and Special Representative of the European Union for Central Asia, and hopes that a real, constructive dialogue on human rights issues will be held soon;

[1] Resolution 2200 A (XXI), annex.
[2] United Nations, *Treaty Series*, vol. 1465, No. 24841.
[3] Resolution 2106 A (XX), annex.
[4] United Nations, *Treaty Series*, vol. 1249, No. 20378.
[5] Ibid., vol. 1577, No. 27531.

05-58663 (E) 071105

(b) The steps, albeit limited, taken to date to implement the National Action Plan on Torture and the recommendations of the Special Rapporteur of the Commission on Human Rights on torture and other cruel, inhuman or degrading treatment or punishment, including the definition of torture by the Supreme Court in accordance with the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[5] and the amendment of the Criminal Code to include torture as a punishable crime;

(c) The statement made by the President of Uzbekistan on 28 January 2005 in which he expressed, inter alia, the intention to provide for true independence of the judiciary, and calls the Government of Uzbekistan to take steps to allow for its practical independence, as outlined by the President;

(d) The decree of the President of Uzbekistan on 1 August 2005 that the death penalty shall be abolished in Uzbekistan as of 1 January 2008;[6]

2. *Expresses its grave concern* at the continuing and serious human rights violations occurring in Uzbekistan, including in particular:

(a) Eyewitness reports of indiscriminate and disproportionate force used by government troops to quell demonstrations in Andijan in May 2005 resulting in the death of many civilians;

(b) The pressure applied to prevent citizens of Uzbekistan with refugee status granted by the Office of the United Nations High Commissioner for Refugees from travelling to a third country;

(c) Reports of arbitrary arrest and detention, including of eyewitnesses to the events in Andijan;

(d) Prevention of the functioning of independent media and the intolerance of any form of dissent expressed therein and increasing restrictions on freedom of expression, particularly harassment, beatings, arrests and threats made against journalists and civil society activists attempting to document and publicize information on the events in Andijan;

(e) Continued refusal to permit the registration of opposition political parties, and their consequent inability to participate in the electoral process;

(f) A continued pattern of discrimination, harassment and prosecution with regard to the exercise of freedom of thought, conscience and religion;

(g) Serious constraints on, and harassment and detention of, the members of non-governmental organizations and civil society, including human rights defenders;

(h) Continued restriction of access of representatives of the International Committee of the Red Cross to places of detention;

3. *Deeply regrets* the decision of the Government of Uzbekistan to reject both the repeated calls of the United Nations High Commissioner for Human Rights for the establishment of an independent commission of inquiry into the events that occurred in Andijan on 13 May 2005, and the request of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions to visit Uzbekistan soon afterwards;

---

[5] A/59/999, annex.

4. *Strongly calls upon* the Government of Uzbekistan:

(a) To implement fully without any delay the recommendations contained in the report of the mission of the Office of the United Nations High Commissioner for Human Rights to Kyrgyzstan in June 2005,[7] most notably with respect to granting permission for the establishment of an international commission of inquiry into the events in Andijan;

(b) To accede to the 1951 Convention relating to the Status of Refugees[8] and the 1967 Protocol thereto;[9]

(c) To put an end to the harassment and detention of eyewitnesses to the events in Andijan;

(d) To ensure readily accessible and fair trials;

(e) To ensure full respect for all human rights and fundamental freedoms and, in this regard, to implement fully the recommendations of the Independent Expert on the protection of human rights and fundamental freedoms while countering terrorism appointed under the confidential 1503 procedure at the sixtieth session of the Commission on Human Rights[10] and to extend full cooperation to the newly appointed Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism;

(f) To permit the full freedom of practising religion;

(g) To implement fully the recommendations contained in the report of the Special Rapporteur of the Commission on Human Rights on the question of torture[11] prepared following his visit to Uzbekistan from 24 November to 6 December 2002;[11]

(h) To work closely with the Office of the United Nations High Commissioner for Human Rights with regard to the areas of concern and to cooperate fully with all the mechanisms of the Commission on Human Rights and all the relevant United Nations treaty bodies;

(i) To allow, in line with Uzbek commitments, access of representatives of the International Committee of the Red Cross to detainees;

(j) To implement fully the commitments undertaken in the framework of the Organization for Security and Cooperation in Europe and to cooperate with the institutions of the Organization;

(k) To register independent opposition political parties and allow them to participate in the electoral process;

(l) To lift restrictions on the activities of civil society, including non-governmental organizations;

---

[7] Available from http://www.reliefweb.int/library/documents/2005/unhcr-uzb-12jul.pdf (accessed 3 November 2005).

[8] United Nations, *Treaty Series*, vol. 189, No. 2545.

[9] Ibid., vol. 606, No. 8791.

[10] See E/CN.4/2005/103, sect. V.

[11] E/CN.4/2003/68/Add.2, annex.

(m) To protect journalists, including those who write articles opposing government policy, in line with the President's past appeals for journalists to be more critical, and the functioning of independent media outlets, including, as the case may be, licensing and accreditation;

(n) To take legislative, judicial, administrative and other appropriate measures to actively protect human rights defenders against any violence, threats and other forms of harassment and to withdraw all measures that restrict their freedom of action, assembly and speech or that hinder them from carrying out their legitimate activities according to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;[12]

(o) To place no restrictions on diplomats and representatives of the United Nations, the Organization for Security and Cooperation in Europe and other international bodies in respect of their travel to Uzbekistan;

5. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixty-second session.

---

[12] Resolution 53/144, annex.